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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,104	12/05/2001	Joseph Ho	MR2349-74i	2168

4586 7590 06/20/2003

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ELLIOTT CITY, MD 21043

EXAMINER

POKER, JENNIFER A

ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/002,104	HO, JOSEPH	
	Examiner Jennifer A. Poker	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 3 and 5-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3 and 5-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 21 March 2003 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *General Status*

1. Amendment A, filed on March 21, 2003, is acknowledged. Claims 1, 2, and 4 have been cancelled. Claims 7-9 have been added. Therefore, claims 7-9, 3, 5, and 6 are being examined.

### *Drawings*

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on March 21, 2003 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the references made to electrical leads or to first and second terminals.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains implied phraseology including, "The present invention provides..." The terms, "The present invention" should be avoided. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,118,363 to Chanteau, et al, in view of U.S. Patent Number 3,851,290 to Stover, et al.

Regarding claims 7-9, Chanteau, et al, discloses a present invention relates to a self-inductance element for flowing through an AC current, the element comprising:

- (1) a rectilinear magnetic core (figure 1; column 1, lines 5-6, 31-32);
- (2) a coil winding, helically wound on the magnetic core, (figure 1);

Chanteau, et al, discloses the claimed invention except for the fusible winding.

Stover, et al, discloses a fuse, and particularly a fuse, which has a link, which quickly electrically opens, when the rated AC or DC current of the fuse is exceeded. The fuse comprises an electrical conducting wire, which serves as a fusible link and which is connected between two terminals and immersed in a high dielectric strength liquid.

One skilled in the art, at the time the invention was made, would have found it obvious to combine the teachings of Chanteau, et al, with the teachings of Stover, et al, and utilize a fusible winding about the magnetic core for the purposes of excellent electrical conductivity characteristics and a high temperature electrical insulation. The fusible wire is used in an electric circuitry comprising a conductor for opening the circuit in response to a given current level. Because applicant appears to use the terms fusible/resistance interchangeably, it was understood that the fusible winding disclosed by Stover, et al, would also function as a resistance winding.

Regarding the applicant's claim for magnetic permeability, permeability is an inherent characteristic of magnetic components (such as a magnetic core as disclosed by Chanteau, et al).

Regarding claims 3 and 6, Stover, et al, further discloses a high dielectric strength liquid surrounding the wire. The motivation for utilizing dielectric liquid would have been to insulate the fusible winding.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,118,363 to Chanteau, et al, in view of U.S. Patent Number 3,851,290 to Stover, et al, as applied to claim 7 above, and further in view of U.S. Patent Number 4,641,115 to Bailey.

Chanteau, et al, in view of Stover, et al, disclose the claimed invention except for the use of 2 windings.

Bailey discloses choke coils having two windings wherein a primary winding is wound onto the core and a secondary coil is wound atop of the secondary winding for the purposes of dampening parasitic capacitances, (abstract)(Figure 5)

One skilled in the art, at the time the invention was made, would have found it obvious to combine the teachings of Chanteau, et al, with the teachings of Stover, et al, and include a secondary winding about the first fusible winding in order to dampen parasitic capacitances.

#### *Response to Amendment*

8. The amendment filed March 21, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "magnetic permeability", "pair of electrical leads", "first terminal", and "second terminal". These are further addressed below, under "Response to Arguments".

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-6 are moot in view of the new ground(s) of rejection addressed above. Further arguments are shown below:

- Applicant states that the occurrence of the term "permittivity" was simply a translation error and was intended to be the "magnetic permeability". Examiner maintains that the introduction of the term "permeability" is new matter. These two terms are NOT interchangeable, and it is known to those skilled in the art that these terms have two completely different meanings.
- Applicant states that the introduction of "electrical leads," and "first and second terminals" is not new matter. Although the applicant states that these elements were present in the original drawings, there were no reference signs in the drawings or any written description to indicate that these elements were part of the invention. It was unclear from the originally filed drawings that these elements were INTENDED to be those of the "electrical leads" or "first and second terminals". Therefore examiner did not consider these components as part of the applicant's invention.
- Rejections under 35 U.S.C. 112 to claims 1 and 2 are withdrawn

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Poker whose telephone number is 703-305-4037. The examiner can normally be reached on 6:00-3:30, Mon.-Fri. (alternating Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on 703-308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications..

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

jap  
June 11, 2003

*Clay*  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

6/16/03